

First named inventor: Anderson  
Serial no. 10/615,737  
Filed 7/9/2003  
Attorney docket no. 100201992-1

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In the drawings

Please replace sheet 3, including FIG. 3, with the attached substitute sheet 3, including FIG. 3.

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### REMARKS

#### Drawings

FIG. 3 has been objected to because the label “%Rh/TEMP” should more properly read “TEMP/%Rh”. Applicant has filed herewith a substitute drawing sheet including FIG. 3, in which this correction is made, and requests that the objection to the drawings be withdrawn.

#### Claims 1-35

Claims 1-35 have been allowed.

#### Claims 36-39

Claims 36-37 and 39 have been rejected under 35 USC 102(b) as being anticipated by Terasawa (5,995,067), whereas claim 38 has been objected to as containing allowable subject matter, and which would be allowed if rewritten in independent form including the limitations of its base claim and any intervening claims. Claim 36 is an independent claim, from which claims 37-39 depend. Applicant has amended claim 36, and asserts that as amended, claim 36 is now allowable, such that claims 37-39 are allowable for at least the same reasons.

Claim 36 has been amended so that the spitting recovery level of the fluid-ejection mechanism is determined “using a fluid drop detector.” Applicant submits that this amendment to claim 36 renders claim 36 allowable, for at least the same reasons that claim 20 is allowable. In the Office Action, the Examiner notes with respect to claim 20 that

while a controller to adjust servicing requirements of a fluid ejection mechanism based on humidity and temperature is indicated by the applied prior art, the controller does not adjust the servicing requirement based on a *spitting recovery level determined by a fluid drop detector*. This is not shown or rendered obvious by the prior art of record in combination as currently claimed.

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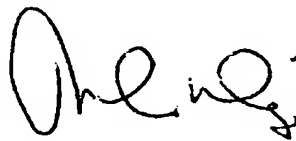
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(P. 5, first para.) Because claim 36 is now limited to determining a spitting recovery level using a fluid drop detector, similar to claim 20, Applicant thus believes that claim 36 is now allowable over the cited prior art, such that claims 37-39 are allowable at least because they depend from an allowable independent claim.

Conclusion

Therefore, Applicant has truly made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicant's Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



May 5, 2005  
Date

Michael A. Dryja, Reg. No. 39,662  
Attorney/Agent for Applicant(s)

Law Offices of Michael Dryja  
704 228<sup>th</sup> Ave NE #694  
Sammamish, WA 98074  
tel: 425-427-5094  
fax: 206-374-2819